

w/b

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED
DATE: 3-15-11
450 O'Clock p. M.
JEANNE HICKS, CLERK
BY: Rhondi HAGEN
Deputy

DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: R. Hagen, Deputy Clerk

CASE NO. V1300CR201080049

DATE: March 15, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney
Sheila Polk/Bill Hughes,
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly,
(Via electronic mail)
(Co-Counsel for Defendant)

(Defendant)

Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP,
(Via electronic mail)
(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:
TRIAL – Day 15

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 8:23 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Co-Counsel for Defendant
Luis Li, Co-Counsel for Defendant
Truc Do, Co-Counsel for Defendant
Miriam Seifter, Co-Counsel for Defendant
Victim Services Representative

The Jury is not present.

Counsel are advised that the Court has become aware of the case *Noyes v Kelly Services, Inc.*

Counsel present oral argument regarding audio clips intended for evidence. The Court has reviewed the briefing submitted. The Court rules audio recording of James Shore may be admitted.

~~~Recess~~~

At 9:21 a.m. the trial resumes with all previously appearing parties and the Jury present.

Dr. Beverly Bunn, previously sworn, testifies.

Exhibit 326 is admitted into evidence pursuant to stipulation of Counsel.

The Jury is admonished and excused for a recess.

~~~Recess~~~

At 10:50 a.m. the trial resumes with all previously appearing parties and the Jury present.

Dr. Beverley Bunn testifies.

The Court and Counsel conduct a sidebar discussion on the record.

Exhibit 756 is offered. Defense Counsel objects. The Court and Counsel conduct a sidebar discussion on the record.

Exhibit 756 is offered and admitted into evidence.

The Jury is admonished and excused for the noon recess.

The witness is reminded of the Rule of exclusion of witnesses and excused for the noon recess.

~~~Noon Recess~~~

At 1:32 p.m. the trial resumes with all previously appearing parties present. The Jury is not present.

Counsel for the State Hughes moves the Court to reconsider its ruling precluding Dr. Bunn from discussing Defendant's statements during a conference call after the event.

The Court confirms the ruling.

Counsel for State Polk advises the Court of the next witness and audio clips intended to be offered as evidence. Discussion ensues. The Court will take a recess to allow Defense Counsel to review the intended exhibits.

~~~Recess~~~

At 2:12 a.m. the trial resumes with all previously appearing parties and the Jury present.

Dr. Beverley Bunn testifies.

Questions for the witness are submitted by the Jury, discussed at sidebar on the record and are asked and answered.

The witness is reminded of the Rule of exclusion of witnesses and excused.

The Court and Counsel conduct a sidebar discussion on the record.

Stephen Ray is sworn and testifies.

Exhibit 761 is offered and admitted into evidence without objection.

Exhibit 757 is offered. There being an objection by Defense Counsel, **IT IS ORDERED** sustaining the objection and Exhibit 757 is not admitted. After additional testimony, Defense Counsel withdraws its objection and Exhibit 757 is admitted into evidence.

Exhibits 754 and 758 are admitted into evidence.

The Jury is admonished and excused for a recess. The witness is reminded of the Rule of exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 3:35 p.m. the trial resumes with all previously appearing parties and the Jury present.

Stephen Ray testifies.

Exhibit 760 is offered and admitted into evidence.

The witness is advised of the Rule of exclusion of witnesses. The Jury is reminded of the admonition and instructed to return at 9:15 a.m.

The Court stands adjourned for the day.

**END TIME: 4:50 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Verde